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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,261	04/14/2004	Kenneth M. Allison SR.	Allison-001	8093
21897	7590	02/23/2006	EXAMINER	
THE MATTHEWS FIRM 2000 BERING DRIVE SUITE 700 HOUSTON, TX 77057			RADI, JOHN A	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No:

10/825,261

Applicant(s)

ALLISON, KENNETH M.

Examiner

John A. Radi

Art Unit

3641

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-56 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5 and 40-44, drawn to Airport System, classified in class 705 subclass 100.
- II. Claims 6-13, drawn to Aircraft, classified in class 244, subclass 120.
- III. Claims 14-23, drawn to Airport Terminal, classified in class 705 subclass 100.
- IV. Claims 24-34, drawn to Passenger Compartment, classified in class 244, subclass 120.
- V. Claims 35-39, drawn to Passenger Compartment, classified in class 244, subclass 120.
- VI. Claims 45-46, drawn to Landing Gear for Airplane, classified in class 244, subclass 100R.
- VII. Claims 47-49, drawn to Method for Purchasing Tickets, classified in class 705, subclass 27.
- VIII. Claim 50, drawn to Method for Airport Layout, classified in class 244, subclass 137.2.
- IX. Claims 51-54, drawn to Method for Loading Container, classified in class 209, subclass 559.
- X. Claims 55-56, drawn to Method for Marketing on Aircraft, classified in class 705, subclass 10.

Art Unit: 3641

The inventions are distinct, each from the other because of the following reasons:

Inventions 1 and 2-3 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 1 has separate utility in so far as it doesn't require the particulars of a detachable lavatory module mentioned in inventions 2 and 3. See MPEP § 806.05(d).

Inventions 1 and 4 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 1 in so far as it doesn't require the seats of the passenger compartments to be detachably affixed as in invention 4. See MPEP § 806.05(d).

Inventions 1 and 5 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 1 in so far as it doesn't require the particulars of the sub-floor assembly as mentioned in invention 5. See MPEP § 806.05(d).

Inventions 1 and 6 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 1 has separate utility in so far as it can be used with traditional prior art landing gear. See MPEP § 806.05(d).

Inventions 1 and 7-10 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the

Art Unit: 3641

process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case invention 1 can be used with the traditional airports, existing ticketing systems, loading containers, and marketing systems as taught by methods 7-10.

Inventions 2 and 3 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 2 has separate utility in so far as it can be used with pre-existing airport terminals so long as a movable stair system or similar is used to deplane the passengers. See MPEP § 806.05(d).

Inventions 2 and 4 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 2 has separate utility in so far as it doesn't require the particulars of detachable seats as taught by invention 4. See MPEP § 806.05(d).

Inventions 2 and 5 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 2 has separate utility in so far as it doesn't require the particulars of the sub-floor assembly as mentioned in invention 5. See MPEP § 806.05(d).

Inventions 2 and 6 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

Art Unit: 3641

shown to be separately usable. In the instant case, invention 2 has separate utility in so far as it can be used with traditional prior art landing gear. See MPEP § 806.05(d).

Inventions 2 and 7-10 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case invention 2 can be practiced with traditional airports, ticket purchasing, loading containers, and marketing methods taught by methods 7-10.

Inventions 3 and 4 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 3 has separate utility in so far as it doesn't require the detachable seats as mentioned in invention 4. See MPEP § 806.05(d).

Inventions 3 and 5 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 3 has separate utility in so far as it doesn't require the particulars of the sub-floor assembly as mentioned in invention 5. See MPEP § 806.05(d).

Inventions 3 and 6 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, invention 3 has separate utility in so far as it can be used with traditional prior art landing gear. See MPEP § 806.05(d).

Inventions 3 and 7-10 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case invention 3 can be practiced with traditional airports, ticket purchasing, loading containers, and marketing methods taught by methods 7-10.

Inventions 4 and 5 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 4 has separate utility in so far as it doesn't require the particulars of the sub-floor assembly as mentioned in invention 5. See MPEP § 806.05(d).

Inventions 4 and 6 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 4 has separate utility in so far as it can be used with traditional prior art landing gear. See MPEP § 806.05(d).

Inventions 4 and 7-10 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different

Art Unit: 3641

process of using that product (MPEP § 806.05(h)). In the instant case invention 4 can be practiced with traditional airports, ticket purchasing, loading containers, and marketing methods taught by methods 7-10.

Inventions 5 and 6 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 5 has separate utility in so far as it can be used with traditional prior art landing gear. See MPEP § 806.05(d).

Inventions 5 and 7-10 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case invention 5 can be practiced with traditional airports, ticket purchasing, loading containers, and marketing methods taught by methods 7-10.

Inventions 6 and 7-10 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case invention 6 can be practiced with traditional airports, ticket purchasing, loading containers, and marketing methods taught by methods 7-10.

Inventions 7 and 8 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 7 has separate in so far as it can be used with pre-existing airports and doesn't require an airport built according to method 8. See MPEP § 806.05(d).

Inventions 7 and 9 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 7 has separate utility in so far as it can be used with traditional means for loading an aircraft and isn't dependent on the method taught by invention 9. See MPEP § 806.05(d).

Inventions 7 and 10 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 7 has separate utility such as it can be used on existing aircraft without the marketing screens taught by invention 10. See MPEP § 806.05(d).

Inventions 8 and 9 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 8 has separate utility in so far as it can be used with traditional means for loading an aircraft and isn't dependent on the method taught by invention 9. See MPEP § 806.05(d).

Inventions 8 and 10 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, invention 8 has separate utility such as it can be used on existing aircraft without the marketing screens taught by invention 10. See MPEP § 806.05(d).

Inventions 9 and 10 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention 9 has separate utility such as it can be used on existing aircraft without the marketing screens taught by invention 10. See MPEP § 806.05(d).

A telephone call was made to Mr. Taras Bemko on February 8, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

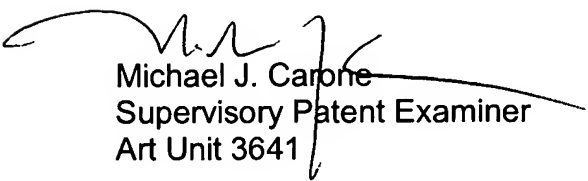
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Radi whose telephone number is 571-272-5883. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3641

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John A. Radi
Patent Examiner
Art Unit 3641



Michael J. Carone
Supervisory Patent Examiner
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